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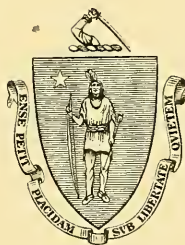
The Commonwealth of Massachusetts

# ANNUAL REPORT

## OF THE

# ALCOHOLIC BEVERAGES CONTROL COMMISSION

FOR THE  
YEAR ENDING NOVEMBER 30, 1935



(24 School Street, Boston)

PUBLICATION OF THIS DOCUMENT APPROVED BY THE COMMISSION ON ADMINISTRATION AND FINANCE.

2M. 9-36. Order 8803.

# ALCOHOLIC BEVERAGES CONTROL COMMISSION

## ANNUAL REPORT

*To His Excellency, The Governor, and to The General Court of The Commonwealth of Massachusetts:*

SIRS: In accordance with the provisions of Section 44 of Chapter 6 of the General Laws as appears in Section 2 of Chapter 120 of the Acts of 1933, we have the honor to submit the Third Annual Report of the action of the Alcoholic Beverages Control Commission, and of the conduct and condition of traffic in alcoholic beverages during the fiscal year ending November 30, 1935.

The term of Commissioner William A. L. Bazeley having expired, His Excellency, Governor James M. Curley, with the advice and consent of the Council, appointed the Honorable William E. Weeks of Everett to succeed him. Mr. Weeks was qualified and assumed his duties on May 15, 1935.

Our report for the fiscal year ending November 30, 1934, explained in detail the provisions of our Liquor Control Act. It is our purpose here to summarize briefly the provisions of certain important amendments to the Act adopted during the Legislative Session of 1935, or since our last report was submitted. These amendments to the law appeared to be necessary and desirable in the light of the experience and knowledge gained in the administration of its provisions.

In his annual message to the Legislature delivered January 3, 1935, Governor Curley made the following observations concerning our Liquor Control Act:

"The repeal of the Eighteenth Amendment was intended to end conditions destructive to the moral standards of youth, the diversion of revenue to the criminal element which should accrue to the government, and the disrespect for law which had been fostered by inability of the government to enforce an obnoxious statute. These advantages are seriously menaced by abuses of the existing law as enforced at present.

"Under the licensing system which obtained prior to the adoption of the Eighteenth Amendment the custom of limiting the sale in public places, other than by innholders and licensed clubs, until 11 P.M., and with no sale permitted on Sundays and holidays and election days, is in striking contrast with the system under which this business is permitted to operate today.

"Political expediency upon a question of this character suggests silence or negation; but that possible advantages may be conserved, the call of duty leaves no course open for me or the Legislature other than the adoption of corrective measures essential to the welfare of the public."

Feeling that the hours of sale during which alcoholic beverages could be sold by licensees licensed to sell such beverages to be drunk on the premises was a matter of vital concern to the public welfare, The Governor addressed a special message to the Legislature on April 23, 1935, which read as follows:

"The abuses which at present obtain under the system of licensing the sale of alcoholic beverages for consumption on the premises in operation in the Commonwealth should be corrected at the earliest possible date . . . in the opinion of competent authorities, the present hours of opening and closing establishments in which alcoholic beverages are sold is a contributing factor to immorality and, unless corrected, is destined to defeat the benefits that should accrue in consequence of the repeal of the Eighteenth Amendment. Accordingly I recommend the enactment of legislation limiting the sale of alcoholic beverages to the hours between six A.M. and twelve P.M. and prohibiting the sale of such beverages on Sundays, holidays and election days, except by hotels in the dining room or dining rooms thereof to patrons being served a bona fide meal and except by licensed clubs."

The conclusions reached by The Governor, as stated in these messages, with respect to sales of alcoholic beverages after midnight and on Sundays, were shared by the members of this commission and by practically all others whose official positions had brought them into contact with conditions prevailing as the result of the repeal of the Eighteenth Amendment and the subsequent adoption of the Liquor Control Act in Massachusetts. Exhaustive hearings were held at the State House before the Joint Committee on Legal Affairs on the recommendations of His Excellency, and on bills based on petitions for legislation of a similar nature. Several other bills based on petitions for various other amendments to the law were also heard and considered by the Committee. Most of these were of a corrective nature. Practically all sought to tighten up the provisions of the Act. This Commission very strongly urged the passage of such legislation in the belief that the same was necessary if the structure of our Liquor Control Act was to continue to have the support of the public opinion of the majority of the people of the Commonwealth.

Following is a brief summary of the more important amendments which were adopted:

1. The provisions of the Act which authorized Local Licensing Authorities to permit Hotels, Restaurants and Clubs to sell alcoholic beverages until two o'clock A.M. was rescinded. The amendment provided that such sales could not be authorized after one o'clock A.M. on secular days of the week nor at all on Sundays before one o'clock P.M.

2. Local Licensing Authorities were given exclusive authority to issue Restaurant licenses limiting the sale of alcoholic beverages to secular days of the week. Prior to the adoption of this amendment, Restaurant licenses, whenever issued, authorized such sales on all days of the week.

3. A provision was inserted in the Act which required that notice of all applications for retail licenses be advertised. Prior to the adoption of this amendment applications for renewals of such licenses were exempted from this requirement.

4. A limitation was placed upon the number of Club licenses for the sale of all alcoholic beverages which could be issued outside the limited quota allowed in any city or town for the sale of such beverages. Prior to the adoption of this amendment there was no restriction whatever upon the number of such licenses which could be issued.

5. Another amendment provided that sales of alcoholic beverages in "Package Goods" Stores should be made at the current posted price list. Prior to the adoption of this amendment "Package Goods" Stores were required to keep a price list conspicuously posted in the licensed premises but were not required to sell at the posted prices.

6. The hours during which alcoholic beverages might legally be sold in Drug Stores licensed to sell such beverages were made to conform to the hours during which such sales were authorized in "Package Goods" Stores. Provisions were also inserted prohibiting sales of alcoholic beverages for consumption on the licensed premises and requiring that all such sales must be made in the original containers in which the said beverages were received.

7. The provisions relating to the sale and transportation of alcohol were materially strengthened. Transportation was prohibited except as authorized by a transportation permit.

8. Wines to be sold for sacramental purposes were exempted from the provisions of the Act which required the payment of an excise tax of ten cents a gallon on all such wines sold within the Commonwealth.

Following is an analysis of the number and kinds of licenses and permits issued by the Commission to the end of the fiscal year, together with the revenue received as fees therefor:



## FINANCIAL STATEMENT

## Summary of Income Received from Fees for Licenses and Permits Issued by the Commission under Chapter 138 of the General Laws, as Amended

|  |   |  |              |
|--|---|--|--------------|
| Manufacturers' Fees (Section 19)...                          | 9 distilleries<br>15 breweries<br>1 winery  |  | \$74,000.00  |
| Wholesalers' and Importers' Fees<br>(Section 18) .....       | 124 all alcoholic beverages<br>104 wines and malt beverages<br>2 sacramental wines                        |  | 529,003.00   |
| Alcohol Fees (Section 76) .....                              | 47 licenses for sale of alcohol for medicinal, manufacturing, chemical, or other commercial purposes only |  | 14,100.00    |
| Agents', Brokers' or Solicitors' Fees<br>(Section 18A) ..... | 56 licenses   |  | 16,802.50    |
| Railroad Fees (Section 13) .....                             | 5 licenses, 118 cars  |  | 618.00       |
| Steamship Fees (Section 13) .....                            | 5 licenses, 21 vessels  |  | 2,100.50     |
| Special Permit Fees (Section 22A)...                         | 34 permits  |  | 372.17       |
| Storage Permit Fees (Section 20) ...                         | 20 annual, 5 seasonal, 3 bonded warehouse, 1 special storage  |  | 10,325.00    |
| Transportation Fees (Section 22)....                         | 553 express or trucking companies<br>2 railroad corporations<br>2 steamship companies                     |  | 5,815.00     |
| Transportation Fees (Section 22)....                         | 3,276 vehicles owned by licensees or their employees  |  | 3,276.00     |
| Salesmen's Fees (Section 19A).....                           | 2,345 permits   |  | 23,456.50    |
| Miscellaneous Income .....                                   |   |  | 36.35        |
| Total Receipts .....   |   |  | \$679,905.02 |

*Statement of Appropriations and Expenditures*

|  |                     |
|--|---------------------|
| General Appropriation for 1935 .....   | \$125,000.00        |
| General Appropriation for 1934—Brought Forward for 1934 liabilities .....  | 325.60              |
| Addition to 1935 Appropriation for Increase of Salaries<br>Under Authority—Section 3, Chapter 249, Acts 1935 ..... | 1,755.00            |
| Supplementary Appropriation, Chapter 497, Acts 1935 .....  | 8,340.00            |
|  | <u>\$135,420.60</u> |

*Expenditures*

|  |                   |
|--|-------------------|
| For personal services .....  | \$89,821.06       |
| For office supplies and equipment .....                              | 8,306.09          |
| For traveling and other expenses .....                               | 27,567.26         |
|  | <u>125,694.41</u> |
| Balance Unexpended: Returned to Treasurer and Receiver-General ..... | \$ 9,726.19       |

The Department of Corporations and Taxation, Division of Excise Taxes, collected the sum of \$3,433,043.16 for taxes on alcoholic beverages sold in Massachusetts during the fiscal year ending November 30, 1935.

Under the provisions of Section 10A of the Act the Local Licensing Authority in each city and town in which the granting of licenses for the sale of any alcoholic beverages is authorized shall file with the Commission during the month of December of each year in which such licenses are granted a full report of its action during the preceding twelve months, with the number of licenses of each class granted, and the revenue therefrom, together with the established schedule of fees for all classes of licenses.

Several of the cities and towns have up to this time failed to comply with this requirement of the law. It is safe to assume, however, on the basis of the reports already received, that the revenue accruing to the various cities and towns from licenses which they were authorized to grant during the fiscal year 1935 was well in excess of \$3,750,000.

## APPEALS AND REMONSTRANCES

According to the provisions of Section 67 of Chapter 138 of the General Laws, as amended, "any applicant for a license who is aggrieved by the action of the Local Licensing Authorities in refusing to grant the same or by their failure to act within the thirty days limited by Section 16B of said Chapter 138, or any one who is aggrieved by the action of such authorities in suspending, cancelling, revoking or declaring forfeited the same, may appeal therefrom to the Commission within five days following notice of such action or the expiration of said period, and the decision of the Commission shall be final; but pending a decision on the appeal, the action of the Local Licensing Authorities shall have the same force and effect as if the appeal had not been taken. Upon the petition of 25

persons who are taxpayers of the city or town in which a license has been granted by such authorities or registered voters in the voting precinct or district wherein the licensed premises are situated, or upon its own initiative, the Commission may investigate the granting of such license and may, after a hearing, revoke or modify such license, if, in its opinion, circumstances warrant."

During the fiscal year ending November 30, 1935, there were 561 appeals filed with the Commission by applicants for licenses who were aggrieved by the action of Local Licensing Authorities in refusing to grant the same, or by their failure to act within the said period of thirty days. Three hundred and fifty-five of these appeals were dismissed and denied by the Commission and 72 of the appeals were withdrawn, either before or after hearings thereon. One hundred and thirty-four of these appeals were sustained by the Commission and the Local Licensing Authorities were ordered to grant licenses to the aggrieved applicants on those appeals. It became necessary for the Commission to issue licenses after the refusal of the Local Licensing Authorities to do so in only four instances.

The comparatively small number of instances in which the Commission has disagreed with the Local Licensing Authorities with regard to their action on applications for licenses testifies to the workableness of the provisions of our Liquor Control Act. The fact that Local Licensing Authorities refused to issue licenses upon order of the Commission in only four instances testifies further and very strongly to the effect that the relations between Local Licensing Authorities and the Commission were of a very friendly and cooperative nature.

There were 68 appeals filed with the Commission by appellants who felt aggrieved by the action of Local Licensing Authorities in suspending, cancelling, revoking or declaring forfeited their licenses. Thirty-six of the appeals were dismissed and denied by the Commission. Twenty-four of the appeals were withdrawn, either before or after hearings thereon. Eight appeals were sustained.

During the fiscal year there were four remonstrances received by the Commission in accordance with the provisions of said Section 67 of Chapter 138 of the General Laws. Three of these remonstrances were dismissed by the Commission and one was withdrawn by the remonstrants.

#### LAW ENFORCEMENT

During the past fiscal year the Commission has been assisted by 23 Investigators who have worked under the immediate direction and supervision of our Supervisor of Investigators. They were required to make written reports on all applications for licenses and permits upon which the Commission acted. They were also ordered to investigate all complaints of any nature involving alleged violations of any of the provisions of the Liquor Control Act. Violations of which evidence was obtained were prosecuted before either the Commission, the Local Licensing Authorities or the District Courts. The Commission was able to avail itself of the services of Investigators for only a portion of the fiscal year of 1934. As was stated in our report for that year the work assigned to the Investigators was entirely new to them; further, there was no State Department whose work was of such a nature as to be of assistance in guiding the Commission in organizing its force of Investigators and directing their work. The months during which these Investigators worked during 1934 were memorable in that opportunities were provided by which they gained the necessary experience to properly equip themselves for their important duties of the future. Analyses of the reports submitted by the Investigators afforded the members of the Commission an opportunity to gauge the character of the persons to whom licenses had been issued, to examine into the conduct and condition of the traffic in alcoholic beverages, and to secure the information necessary to make adequate and proper Regulations.

Investigators discovered 1,390 violations which on the face of the facts obtained appeared to be of sufficient consequence to warrant prosecution before either the Local Licensing Authorities or the District Courts. Recognizing the fact that Local Licensing Authorities were charged concurrently with the Commission with the responsibility for the proper administration and enforcement

of the provisions of the Liquor Control Act, the evidence obtained in 1,391 cases was submitted to the respective Licensing Authorities of the various cities and towns of the Commonwealth for determination.

In 59 instances complaints against licensees were sought and secured in the District Courts. Applications for complaints were made to the District Courts in these instances principally because after consultations with the Local Licensing Authorities or their representatives, it was mutually agreed that the violations, or the previous records of the individuals involved, were such as to warrant court action.

Believing that an accurate and complete understanding of this part of the Commission's work can best be obtained through a detailed statement of the number and nature of complaints investigated and prosecuted, together with a statement of the disposition made in each case, we present below a brief summary of this nature.

*Court Cases—1935*

|  | Complaints<br>Issued | Findings<br>Guilty | Findings<br>Not Guilty | Complaints<br>Dismissed | Placed on<br>File | Jail<br>Sentences | Fines<br>Imposed | Probation |
|--|----------------------|--------------------|------------------------|-------------------------|-------------------|-------------------|------------------|-----------|
| Adulteration of Beverages . . . . .                            | 1                    | 1                  | —                      | —                       | 1                 | —                 | 2                | —         |
| Alcoholic Beverages—Unauthorized by<br>License . . . . .       | 4                    | 4                  | —                      | —                       | 1                 | —                 | 4                | —         |
| Alien Licensees . . . . .                                      | 1                    | 1                  | —                      | —                       | —                 | —                 | 1                | —         |
| Clubs—Sales to Non-Members . . . . .                           | 9                    | 5                  | 4                      | —                       | 4                 | —                 | 6                | —         |
| Delivery on Sunday—Holiday . . . . .                           | 2                    | 2                  | —                      | —                       | 1                 | —                 | 1                | —         |
| Gambling and Slot Machines on Premises . . . . .               | 2                    | 2                  | —                      | —                       | —                 | —                 | 2                | —         |
| Hindering Investigators . . . . .                              | 2                    | 8                  | —                      | —                       | —                 | 1                 | 9                | —         |
| Illegal Transportation . . . . .                               | 1                    | 1                  | —                      | —                       | —                 | —                 | 1                | —         |
| Sales by Aliens . . . . .                                      | 3                    | 2                  | 1                      | —                       | 2                 | —                 | 1                | —         |
| Sales by Minors . . . . .                                      | 1                    | 1                  | —                      | —                       | —                 | —                 | 1                | —         |
| Sales to Minors . . . . .                                      | 3                    | 3                  | —                      | —                       | —                 | 1                 | 2                | —         |
| Sales Not Recorded by Druggists . . . . .                      | 4                    | 4                  | —                      | —                       | 2                 | 1                 | 1                | —         |
| Sales—Clubs, Restaurants—To be Drunk<br>off Premises . . . . . | 4                    | 4                  | —                      | —                       | —                 | —                 | 2                | 1         |
| Sales Intoxicated Patrons . . . . .                            | 3                    | 3                  | —                      | —                       | —                 | —                 | 2                | 1         |
| Sales—Outside Legal Hours . . . . .                            | 9                    | 9                  | —                      | —                       | 2                 | —                 | 8                | —         |
| Sales—Package Stores—To be Drunk on<br>Premises . . . . .      | 2                    | 2                  | —                      | —                       | 1                 | —                 | 1                | —         |
| Sales while Standing on Sunday . . . . .                       | 2                    | 2                  | —                      | —                       | —                 | 1                 | 1                | —         |
| Total . . . . .  | 59                   | 54                 | 5                      | —                       | 14                | 4                 | 45               | 2         |



*Complaints Referred to Local Licensing Authorities*

| Violations Complained Of                                   | Totals       | Conditions<br>Corrected | Licenses<br>Revoked | Licenses<br>Suspended | Licenses<br>Surrendered | Filed—Warn-<br>ing Given | Hours of Sale<br>Modified | Licenses<br>Modified | Charges Not<br>Sustained | Penalty<br>Imposed | Penalty<br>Suspended |
|--|--------------|-------------------------|---------------------|-----------------------|-------------------------|--------------------------|---------------------------|----------------------|--------------------------|--------------------|----------------------|
| Adulteration of Beverages .....                            | 21           | —                       | —                   | 7                     | —                       | 12                       | —                         | —                    | 2                        | —                  | —                    |
| Alcoholic Beverages—Illegally<br>Obtained .....            | 25           | 6                       | 1                   | 5                     | —                       | 11                       | —                         | 1                    | 1                        | —                  | —                    |
| Alcoholic Beverages—Unauthor-<br>ized by License .....     | 28           | 2                       | 3                   | 9                     | —                       | 14                       | —                         | —                    | —                        | —                  | —                    |
| Alien Licensees .....                                      | 16           | 5                       | 1                   | 1                     | 5                       | 4                        | —                         | —                    | —                        | —                  | —                    |
| Clubs—Sales to Non-Members ..                              | 59           | 2                       | 1                   | 26                    | 2                       | 27                       | —                         | —                    | —                        | —                  | 1                    |
| Conditions on Premises .....                               | 32           | 13                      | —                   | 9                     | 1                       | 8                        | —                         | —                    | —                        | —                  | 1                    |
| Gambling on Premises .....                                 | 61           | 16                      | 1                   | 13                    | 1                       | 30                       | —                         | —                    | —                        | —                  | —                    |
| General Conditions Unsatisfactory                          | 79           | 17                      | 3                   | 31                    | —                       | 26                       | 1                         | —                    | 1                        | —                  | —                    |
| Hindering Investigators .....                              | 30           | —                       | 1                   | 11                    | —                       | 17                       | —                         | —                    | —                        | —                  | 1                    |
| Illegal Licenses .....                                     | 11           | 5                       | —                   | 1                     | 2                       | 3                        | —                         | —                    | —                        | —                  | —                    |
| Illegal Purchases—Sales .....                              | 56           | 14                      | 2                   | 5                     | —                       | 34                       | —                         | —                    | 1                        | —                  | —                    |
| Illegal Sales by Druggists .....                           | 67           | 1                       | —                   | 14                    | 2                       | 48                       | —                         | —                    | —                        | —                  | 2                    |
| Illegal Storage .....                                      | 9            | 4                       | —                   | —                     | —                       | 4                        | —                         | 1                    | —                        | —                  | —                    |
| Illegal Transfers of Licenses ..                           | 37           | 15                      | 9                   | 5                     | 1                       | 5                        | —                         | —                    | 2                        | —                  | —                    |
| Illegal Transportation .....                               | 16           | 6                       | —                   | 1                     | —                       | 9                        | —                         | —                    | —                        | —                  | —                    |
| Improper Advertising .....                                 | 36           | 24                      | —                   | 2                     | —                       | 10                       | —                         | —                    | —                        | —                  | —                    |
| Improper Labels .....                                      | 4            | 1                       | —                   | 1                     | —                       | 1                        | —                         | —                    | 1                        | —                  | —                    |
| Lack of Restaurant Equipment ..                            | 46           | 5                       | 4                   | 8                     | 3                       | 17                       | —                         | 8                    | —                        | —                  | 1                    |
| Minors Employed .....                                      | 13           | 1                       | —                   | 5                     | —                       | 7                        | —                         | —                    | —                        | —                  | —                    |
| Peddling .....   | 5            | —                       | —                   | 1                     | —                       | 4                        | —                         | —                    | —                        | —                  | —                    |
| Possession of Lord's Day License                           | 5            | 4                       | —                   | 1                     | —                       | —                        | —                         | —                    | —                        | —                  | —                    |
| Price Lists not Posted .....                               | 1            | —                       | —                   | 1                     | —                       | —                        | —                         | —                    | —                        | —                  | —                    |
| Sales not Recorded by Druggists                            | 18           | —                       | —                   | 4                     | —                       | 13                       | —                         | —                    | —                        | —                  | 1                    |
| Sales by Aliens .....                                      | 60           | 22                      | 3                   | 15                    | 2                       | 16                       | —                         | —                    | 2                        | —                  | —                    |
| Sales by Minors .....                                      | 14           | 3                       | —                   | 2                     | 2                       | 6                        | —                         | —                    | —                        | —                  | 1                    |
| Sales to Minors .....                                      | 86           | 7                       | 3                   | 30                    | —                       | 44                       | —                         | —                    | —                        | —                  | 2                    |
| Sales—Clubs, Restaurants—To be<br>Drunk off Premises ..... | 33           | 1                       | 2                   | 12                    | —                       | 16                       | —                         | —                    | —                        | —                  | 2                    |
| Sales—Intoxicated Patrons .....                            | 100          | 8                       | 3                   | 44                    | —                       | 43                       | 1                         | 1                    | —                        | —                  | —                    |
| Sales—Outside Legal Hours .....                            | 294          | 13                      | 4                   | 134                   | 1                       | 125                      | 7                         | —                    | 1                        | —                  | 9                    |
| Sales—Package Stores—To be<br>Drunk on Premises .....      | 4            | 1                       | —                   | 1                     | 1                       | 1                        | —                         | —                    | —                        | —                  | —                    |
| Sales while Standing on Sunday                             | 29           | 1                       | —                   | 18                    | —                       | 9                        | —                         | —                    | —                        | —                  | 1                    |
| Sales without Charge .....                                 | 13           | 1                       | —                   | 3                     | —                       | 9                        | —                         | —                    | —                        | —                  | —                    |
| Selling without Salesman's Permit                          | 15           | 9                       | 3                   | —                     | —                       | 3                        | —                         | —                    | —                        | —                  | —                    |
| Soliciting without Agent's License                         | 8            | 6                       | 1                   | —                     | —                       | —                        | —                         | —                    | 1                        | —                  | —                    |
| <b>Total .....</b>   | <b>1,331</b> | <b>213</b>              | <b>45</b>           | <b>420</b>            | <b>23</b>               | <b>576</b>               | <b>9</b>                  | <b>11</b>            | <b>12</b>                | <b>22</b>          |                      |

### HOTELS

Several complaints were made to the Commission to the effect that minors and intoxicated persons were being served alcoholic beverages in Hotels. After a series of complaints the Commission instructed a group of its Investigators to make a general survey over a substantial period of time in an effort to learn of conditions attendant upon the sale of alcoholic beverages in Hotels throughout the Commonwealth. This survey showed that there was great room for improvement.

Service of alcoholic beverages may be made in any of the dining rooms and in such other public rooms or areas of Hotels as Local Licensing Authorities may deem reasonable and proper. In large Hotels alcoholic beverages are usually permitted to be served in several public rooms. Obviously owners of such Hotels are largely dependent upon the judgment of employees making service of alcoholic beverages as to whether or not persons ordering such beverages should properly be served. It is our opinion that much improvement would be brought about in the conditions surrounding the sale and service of alcoholic beverages in Hotels if responsible managers of such establishments would pay more attention to giving proper instruction to those who are to serve such beverages in order that they may become familiar with the provisions of the Liquor Control Act which prohibit the sale or service of alcoholic beverages to minors or to persons under the influence of liquor.

The Commission sent for the managers of several Hotels where laxities were apparent. Severe reprimands were freely given and a marked improvement has

been noticed in such establishments insofar as the service of alcoholic beverages is concerned. Hotel owners should realize that the future success of the hotel business is to a large extent dependent upon the attitude of the general public with respect to the issuance of licenses for the sale of alcoholic beverages and should govern themselves accordingly. We trust that for this reason alone, if for no other, they will cooperate with the Licensing Authorities.

### RESTAURANTS

Last year we expressed dissatisfaction with the manner in which alcoholic beverages were being sold and served in licensed Restaurants and with the general conditions obtaining in many such establishments. We are still dissatisfied. Certain of the conditions which still exist in some classes of Restaurants are undoubtedly displeasing to a large number of people. The improvements for which we had hoped have not materialized. The conditions of which we complain exist mainly in places of the so-called "Dine and Dance" or "Road-house" type. This Commission has no authority over the issuance of dancing and entertainment permits and we are of the opinion that a large number of such permits which have been issued for premises licensed to sell alcoholic beverages should be revoked. It would be unfortunate if these places became the targets of public criticism and were used in an attempt to lessen the high regard which a majority of the people in the Commonwealth now have for the Massachusetts system of alcoholic beverages control.

Local Licensing Authorities were provided with a most important weapon by the provisions of the amendment which gave them the right to issue licenses to Restaurants for the sale of alcoholic beverages on secular days only. A great deal will be accomplished if the authority to prohibit sales of alcoholic beverages in Restaurants on Sundays is freely exercised.

We urge the large body of Restaurant licensees who are honestly and conscientiously attempting to conduct their businesses in a legal and legitimate fashion to assist in weeding out undesirable licensees. If this is not done, holders of other types of licenses, for the protection of their own interests, are bound to join together in an effort to secure the passage of legislation curbing the issuance of Restaurant licenses.

### TAVERNS

In our Annual Report for the fiscal year 1934 with respect to the sale of alcoholic beverages in Taverns, we made the following observations: "Our experience in administering the law has shown that such licensed places have been conducted in a manner to justify the action of the General Court in authorizing their creation. We believe that a great many of the Restaurants which now hold licenses to sell alcoholic beverages should more properly be licensed as Taverns, and that such a change would bring about conditions in connection with the sale and service of alcoholic beverages less objectionable in many respects than now prevails."

The overwhelming majority of Tavern licensees continue to conduct their businesses in a manner which is highly satisfactory to the Licensing Authorities. As expressed last year, we had hoped for a reduction in the number of Restaurant licenses and a corresponding increase in the number of Tavern licenses. Much to our regret the trend has been in the opposite direction. Every present indication seems to point to the ultimate demise of the Tavern type of business. We regret that this is so.

We strongly urge upon the Local Licensing Authorities of the various cities and towns that very careful consideration be given to all applications for permission to convert Tavern licenses into Restaurant licenses.

It seems to us that the merest consideration of the provisions of the law which governs Taverns as distinguished from those which govern Restaurants should cause any thinking person interested in the continuance of proper and reasonably liberal laws for the control of the sale of alcoholic beverages to prefer the existence of a Tavern to that of a Restaurant.



Sales of alcoholic beverages in Taverns are restricted to the hours between eight o'clock A.M. and eleven o'clock P.M. and may only be made on secular days of the week. Alcoholic beverages may be sold in Restaurants in the discretion of Local Licensing Authorities on secular days except Saturdays between the hours of eight o'clock A.M. and one o'clock A.M. of the following day. On Saturdays, sales may be made between the hours of eight o'clock A.M. and twelve o'clock midnight. On Sundays, sales may be made commencing at the hour of one o'clock P.M. and continuing until one o'clock A. M., Monday morning. Women cannot legally be admitted to Taverns as patrons. Women may be admitted to Restaurants as patrons.

In pointing out the very distinct provisions of the law under which these two different types of licenses are operated it is our purpose to focus the attention of the public generally upon this question in the hope that public opinion may be crystallized in support of the Tavern type of license.

### CLUBS

The adoption of the amendment to the Act which placed a restriction upon the number of Club licenses which could be issued accomplished its purpose and eliminated a great many of the so called "one-man" Clubs which were being operated solely for the purpose of obtaining revenue for one or two individuals. Conditions in Clubs which are licensed are somewhat better but there is still much room for improvement. We intend to continue to subject Clubs to constant surveillance and to scrutinize their activities closely in the hope that the good gained by the elimination of the kind of Clubs referred to above will not be lost.

### "PACKAGE GOODS" STORES

Our last Annual Report contained the following comment with respect to "Package Goods" Stores:

"It is gratifying to report that the large majority of 'Package Goods' Store licensees have conducted their establishments in such a manner as to have caused little concern to the Licensing Authorities."

These licensees have conducted themselves in such a manner as to meet with the approbation of the Licensing Authorities. They have justified the conclusion reached by the Commission that the Massachusetts system of issuing licenses authorizing private operation of "Package Goods" Stores is much preferable to the so-called "State Liquor Stores System."

"Package Goods" Store licensees need only continue to carry on their businesses in the same manner as has characterized their conduct since the passage of the Liquor Control Act to continue to merit the faith and support of the people of this Commonwealth who believe in the orderly and reasonably liberal control of the traffic in alcoholic beverages.

### GENERAL REMARKS

We believe that the provision of the law which permits the issuance of licenses for the sale of beers and wines, or either, without restriction as to numbers, should be repealed. This provision was originally inserted in the law on the assumption that it would encourage the drinking of alcoholic beverages of a mild alcoholic content as against strong alcoholic beverages. It has not accomplished its purpose. We strongly urge the adoption of an amendment which will definitely limit the number of such licenses which may be granted in any city or town.

We take this occasion to express our appreciation to the various Local Licensing Authorities for their cooperation and assistance. During the year the Commission conferred with the members of the Legislative Committee on

Legal Affairs and we desire to express to them our appreciation for the courteous treatment given to us and the careful consideration which they gave to all suggestions which were made.

Respectfully submitted,

ALCOHOLIC BEVERAGES CONTROL COMMISSION

WILLIAM P. HAYES,  
*Chairman*

JOHN P. BUCKLEY,  
*Commissioner*

WILLIAM E. WEEKS,  
*Commissioner*





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